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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,769	03/14/2002	Gerald Wojcik	2156-090A	4845

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EXAMINER

ZHENG, LOIS L

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/099,769	<b>Applicant(s)</b> WOJCIK ET AL.	
	<b>Examiner</b> Lois Zheng	<b>Art Unit</b> 1742	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-58 and 60-74 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-58 and 60-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claim 60 is amended in view of the amendment filed 1 November 2004.

Claims 44-58 and 60-74 are currently under examination.

### ***Status of Previous Rejections/Objections***

2. Rejections of 60-66, and 74 under 35 U.S.C. 112, first paragraph, are withdrawn in view of the amendment filed 1 November 2004.

3. The Declaration filed on 1 November 2004 under 37 CFR 1.131 is sufficient to overcome the Inbe et al. US 6,419,731 B2 reference.

New rejection ground is applied as follows in view of newly discovered reference.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44, 49-51, 56-58, 60, 65-67 and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan US 5,449,415(Dolan '415) in view of Tomlinson US.5,441,580 (Tomlinson '580).

The teachings of Dolan '415 are discussed in paragraph 9 of the previous non-final Office Action.

However, Dolan '415 does not disclose the use of a soluble aluminum salt with the claimed amounts(i.e. 5-500ppm) as recited in instant claims 44, 51, 60 and 67.

Tomlinson '580 teaches a chromium-free conversion coating for aluminum surfaces(abstract). The coating solution comprises zirconium, fluoride and potassium ions(abstract). Tomlinson '580 further teaches that a soluble aluminum salt such as a hydrated aluminum nitrate in the amount of 10 – 1000ppm may be added to the coating solution(col. 4 lines 22-25).

With respect to claims 44, 51, 58, 60, 67 and 74 of the instant invention, it would have been obvious to one of ordinary skill in the art to have added the soluble aluminum salts of Tomlinson '580 into the coating composition of Dolan '415 in order to increase the rate of deposition of insoluble salts, such as tungstates in Dolan '415's coating composition as taught by Tomlinson '580(col. 4 lines 20-21).

Furthermore, the amount of soluble aluminum salt(i.e. 10-1000ppm) as disclosed by Dolan '415 in view of Tomlinson '580 overlaps the claimed 5-500ppm of soluble aluminum salt as recited in instant claims 44 and 51. Therefore, a prima facie case of obviousness exists. See MPEP 2144.05. The selection of claimed amount range of aluminum salt from the disclosed amount range of Dolan '415 in view of Tomlinson '580 would have been obvious to one skilled in the art since Dolan '415 in view of Tomlinson '580 teaches the same utilities in its' disclosed amount range.

With respect to claims 49-50, 56-57, 65-66 and 72-73 of the instant invention, the claims are rejected for the same reasons as stated in paragraphs 18-19 in the previous non-final Office Action.

6. Claims 45-48, 52-55, 61-64 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan '415 in view of Tomlinson '580, and further in view of Wada et al. US 6,193,815 B1(Wada '815).

The teachings of Dolan '415 are discussed in paragraph 9 of the previous non-final Office Action.

The teachings of Tomlinson '580 are discussed in paragraph 5 above.

However, Dolan '415 in view of Tomlinson '580 do not teach:

- a) the use of the claimed ammonium hydroxide in the treating solution, and
- b) the claimed sources of tungstate

Wada '815 fills the deficiencies of Dolan '415 in view of Tomlinson '580 for the same reasons as stated in paragraphs 13 –17 of the previous non-final office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLZ  
1/3/2005

  
**ROY KING**  
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